



EMPLOYEE BULLETIN

EB No. 933

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FORMER SPOUSE ANNUITY LEGISLATION

1. The purpose of this bulletin is to alert Agency employees that the House Permanent Select and Senate Select Committees on Intelligence are giving consideration to the adoption of "former spouse" legislation for Agency employees which is similar to the provisions of the Foreign Service Retirement and Disability System. There is a likelihood that some legislation on this subject will be enacted this session. The House Permanent Select Committee on Intelligence version would apply to Agency employees in both the Central Intelligence Agency Retirement and Disability System (CIARDS) and the Civil Service Retirement System (CSRS).

2. Currently, under CIARDS and CSRS law, there are two provisions which enable a former spouse to legally request a portion of the participant's annuity for alimony and/or child support. Under the garnishment provision, the former spouse can petition any court of any State or the District of Columbia to direct the retirement system to make direct payments to the former spouse in accordance with the court's garnishment order. Under the apportionment provision, the retirement system will make payment to the former spouse to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

3. The Foreign Service Retirement and Disability System includes the following provisions regarding former spouses:

a. Unless otherwise expressly provided by any spousal agreement or court order, a Foreign Service participant who was divorced on or after 15 February 1981, whose former spouse was married to the participant in the Foreign Service Retirement and Disability System for at least ten years during the participant's Federal civilian and military service, provided the marriage endured during some portion (one day) of the participant's employment in the Foreign Service, is entitled to an annuity--

(1) If married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(2) If not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

(Example: If married to the participant for 30 out of the 30 years on which the annuity is based, would be entitled to one-half or 50 percent of the participant's annuity; if married to the participant for 15 out of the 30 years on which the annuity is based, would be entitled to one-fourth or 25 percent of the participant's annuity.)

b. Subject to any election and unless otherwise expressly provided by any spousal agreement or court order, if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse will be entitled to a survivor annuity--

(1) If married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity; or

(2) If not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 55 percent of the full amount of such annuity.

(Example: If married to the participant for 30 out of the 30 years on which the annuity is based, would be entitled to all of the survivor annuity; if married to the participant for 15 out of the 30 years of which the annuity is based, would be entitled to pro rata share or one-half of the survivor annuity. In the latter instance, the remaining one-half can be allocated to the new spouse.)

4. A former spouse will not be qualified for an annuity or survivor benefit if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

5. If the Foreign Service participant was divorced before 15 February 1981, the participant can voluntarily purchase a survivor annuity for a former spouse. This allotment is totally paid by the participant--there is no Government contribution--and is based on actuarial equivalent in value as calculated on tables of mortality as provided by the U.S. Government.

6. The House Permanent Select Committee on Intelligence conducted a hearing on possible CIARDS legislation and has proposed the following approach:

a. That qualified former spouses be entitled to the same benefits in a manner comparable to the manner in which benefits for former spouses of participants are administered under the Foreign Service Act of 1980.

b. That the terms used in their proposed legislation be defined as follows:

"(1) 'Agency retirement system' means any Federal retirement and disability system available to employees of the Agency as employees of the Agency";

"(2) 'pro rata share' means a percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant is of (B) the total number of years of such creditable service"; and

"(3) 'qualified former spouse' means a former wife or husband of a participant who (A) was married to such participant for not less than ten years during period of creditable Agency service by such participant, at least five years of which were spent overseas by both the participant and the former spouse, and (B) has not remarried before becoming 60 years of age."

c. That the Director of Central Intelligence shall issue such regulations as are necessary to implement the provisions.

7. The Senate Select Committee on Intelligence is scheduled to consider legislation identical to the Foreign Service provisions on 5 May 1982. Question regarding this matter should be referred to the Chief, Retirement Affairs Division, Office of Personnel, on extension

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